

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC. and LG ELECTRONICS U.S.A., INC.,
Petitioner,

v.

TOSHIBA SAMSUNG STORAGE TECHNOLOGY KOREA
CORPORATION,
Patent Owner.

Case IPR2016-01677
Case IPR2016-01678
Patent RE43,106 E¹

Before KALYAN K. DESHPANDE, MICHAEL R. ZECHER, and
TREVOR M. JEFFERSON, *Administrative Patent Judges*.

DESHPANDE, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
Granting Patent Owner's Motion for Adverse Judgment
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73(b)(2)

¹ We exercise our discretion to issue one Decision to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

I. DISCUSSION

On May 30, 2017, Toshiba Samsung Storage Technology Korea Corporation (“Patent Owner”), filed motions for adverse judgment pursuant to 37 C.F.R § 42.73(b)(2) in Cases IPR2016-01677 and IPR2016-01678. Paper 12 (IPR2016-01677); Paper 10 (IPR2016-01678). Specifically, Petitioner requests cancellation of claims 4–6, 20–27, and 36–54 of U.S. Patent No. RE43,106 (Ex. 1001, “the ’106 patent”). *Id.* Patent Owner asserts that “[c]ancellation of these claims results in no claims remaining in *inter partes* review” Cases IPR2016-01677 and IPR2016-01678. *Id.*

A party may request entry of adverse judgment against itself at any time during a proceeding. *See* 37 C.F.R. § 42.73(b). Pursuant to 37 C.F.R. § 42.73(b), “[c]ancellation or disclaimer of a claim such that the party has no remaining claim in the trail” is one of at least four actions construed as a request for adverse judgment. We grant Patent Owner’s motions for adverse judgment.

II. ORDER

It is therefore

ORDERED that Patent Owner’s motions for adverse judgment are *granted*;

ORDERED that claims 4–6, 20–27, and 36–54 of U.S. Patent No. RE43,106 are canceled;²

² *See* 37 C.F.R. § 42.80 (explaining that, after the Board issues a final written decision in an *inter partes* review proceeding, the Office will issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable).

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FURTHER ORDERED that adverse judgment be entered against
Toshiba Samsung Storage Technology Korea Corporation in Cases
IPR2016-01677 and IPR2016-01678; and

FURTHER ORDERED that, because this is a Final Written Decision,
parties to this proceeding seeking judicial review of our decision must
comply with the notice and service requirements of 37 C.F.R. § 90.2.

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